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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA

O.A. No. 350/1714/2018

PARTICULARS OF THE APPLICANT:

Subhendu Das, son of late Bhabani Charan Das, aged about 58 years, working as a Sub-Post Master, Pansila S.O., residing at 5/2-297 North Station Road, Agarpara, Kolkata 700 109

....APPLICANT

V E R S U S

- (I) The Union of India, through the Secretary, Ministry of Communication, Departmental of Post Dak Bhawan, New Delhi 1
- (II) The Post Master General, West Bengal Circle, Yogayog Bhawan, C R Avenue, Kolkata 700 012
- (III) The Senior Superintendent of Post Offices, North Presidency Division, Barrackpore, Kolkata 700120

....RESPONDENTS

EDL

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1714/2018

Date of Order: 18.12.2018

Coram: Hon'ble Mr. A.K Patnaik, Judicial Member

Subhendu Das -vs- UOI & Ors.

For the Applicant(s): Mr. A.Chakraborty, Counsel

For the Respondent(s): Mr. S.Paul, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Ld. Counsel for both the parties, in extenso.

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

"8.(a) Office order dated 16.08.2018 issued by the respondent no. 3 cannot be sustained in the eye of law and same may be quashed.

(b) An order do issue directing of the respondents to allow him to perform his duty since he submitted application praying for withdrawal of prayer for VR with in notice period."

3. As submitted by the Ld. Counsel, the brief facts of the case of the applicant are that the applicant applied for voluntary retirement from service w.e.f. 10.09.2018 under Rule 48(1) CS (Pension) Rules 1972 vide application dated 06.06.2018.



Subsequently, on 27.08.2018 the applicant prayed for the withdrawal of prayer for Voluntary Retirement. Prayer to the applicant for withdrawal was rejected by Senior Superintendent of post Office, North Presidency North Presidency Division Barrackpore, Kolkata 20 vide Annexure-A/3 dated 31.08.2018 without disclosing without any reason. Ld. Counsel for the applicant submitted the applicant made a representation on 17.09.2018 (Annexure- A/5) before the Post Master General, West Bengal Circle (Respondent No. 2) against rejection of prayer for withdrawal of notice of voluntary retirement but that has not yet been considered. He further submitted that the grievance of the applicant may be redressed, if the Respondent No. 2 is directed to consider his representation within a specific time frame.

4. On the other hand, Mr. S.Paul, Ld. Counsel for the Official Respondents, submitted that some administrative order has already been passed, to which Mr. A.Chakraborty, Ld. Counsel for the applicant, replied that it has not been passed by the authority to whom representation under Annexure-A/5 has been preferred.

5. Having heard Ld. Counsel for both the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No. 2 to consider the representation of the applicant under Annexure A/5, if the same has been filed and is pending for consideration, and pass a reasoned and speaking order as per rules and regulations in force within a period of six weeks from the date of receipt of copy of this order. I make it clear that if after such consideration the applicant is



found to be entitled to the relief claimed by him for voluntary retirement then necessary orders may be issued within a further period of six weeks. I also make it clear that if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within two weeks.

6. With the aforesaid observation and direction, this O.A. stands disposed of at the admission stage. No costs.
7. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 2 and 3 by Speed Post, for which, he undertakes to deposit the cost with the Registry within a week.
8. Copies of this order be handed over to the Ld. Counsel for the parties.

(A.K Patnaik)
Member (J)

RK/PS